National Labor Relations Board Weekly Summary



Weekly Summary of NLRB Cases

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CASES SUMMARIZED VISIT <u>WWW.NLRB.GOV</u> FOR FULL TEXT

Corrections Corp. of America Tutwiler, MS 2

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Corrections Corp. of America (26-CA-23180; 354 NLRB No. 105) Tutwiler, MS, Nov. 12, 2009. The Board reversed the administrative law judge's finding that the Respondent violated Section 8(a)(1), by discharging Vevria Nelson, a nurse in its medical department, because of her protected concerted activity. The Board found that the Respondent, established that it would have discharged Nelson for legitimate reasons, even in the absence of any protected activity. [HTML] [PDF]

Following the investigation of an inmate's death in April 2008, the receiver warned that if the Respondent did not immediately correct deficiencies in its medical department, it would remove all inmates from the facility. The receiver stressed that the Respondent needed to increase staffing, particularly registered nurses (RNs). In May and June 2008, two RNs resigned, citing Nelson as reasons for their departures. Also in May, a third RN asserted that Nelson yelled at and pushed her during a confrontation. Finally, in late July 2008, Nelson instigated a final confrontation with an RN supervisor that directly involved a patient suffering from a potentially life-threatening condition and embarrassed the RN supervisor in front of her subordinates.

The Board found that the judge did not properly consider all relevant record evidence. To this end, the Board found that while the Respondent may have tolerated Nelson's conduct in 2007, it could no longer do so in 2008, after learning that it could lose its California contract. Thereafter, the Respondent learned that Nelson's conduct threatened its ability to employ RNs and provide proper medical care to its inmates, objectives critical in the Respondent's efforts to save its California contract. Therefore, the Board found that the Respondent lawfully discharged Nelson on Aug. 1, 2008, after it became clear that Nelson's repeated pattern of abusive behavior threatened the Respondent's California contract.

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Vevria Nelson; complaint alleged violation of Section 8(a)(1). Hearing at Clarksdale, Jan. 5-6, 2009. Adm. Law Judge William N. Cates issued his decision Mar. 27, 2009.

DECISIONS OF ADMINISTRATIVE LAW JUDGES

Lawrence Livermore National Security, LLC (Society of Professionals, Scientists, and Engineers Local 11 – University Professional and Technical Employees, CWA Local 9119) Oakland, CA, Nov. 9, 2009. 32-CA-23902, JD(SF)-40-09; Judge Gerald A. Wacknov.

Professional Medical Transport, Inc. (Independent Certified Emergency Professionals of Arizona Local 1) Tempe, AZ, Nov. 9, 2009. 28-CA-22175, et al., JD(SF)-38-09; Judge William G. Kocol.

Beach Lane Management, Inc. and FSM Management, Inc. (Service Employees Local 32BJ) Hartsdale, NY, Nov. 12, 2009. 2-CA-35720, et al., JD(NY)-37-09; Judge Steven Davis.

Metro Demolition Contracting Corp., Phantom Demolition Corp., Circle Interior Demolition Inc., World Class Demolition Corp., Alter Egos (Teamsters Local 813) Maspeth, NY, Nov. 12, 2009. 29-CA-27317, et al., JD(NY)-39-09; Judge Mindy E. Landow.

North American Linen, LLC (United Workers Local 621) Long Branch, NJ, Nov. 12, 2009. 22-CA-27783, JD(NY)-38-09; Judge Steven Davis.

Scheid Electric (Electrical Workers Local 343) Mankato, MN, Nov. 13, 2009. 18-CA-19084, JD-55-09; Judge Bruce D. Rosenstein.

NO ANSWER TO COMPLAINT

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)

Supreme Delivery Service, Inc. (Teamsters Local 773) (4-CA-36629; 354 NLRB No. 103) Allentown, PA, Nov. 10, 2009. [HTML] [PDF]

UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRSENTATION CASES

(In the following case, the Board considered exception to Report of the Regional Director)

DECISION AND ORDER [remanding proceeding to the Regional Director for further appropriate action]

Auer Electric, Nottingham, MD, 5-RC-16313, 5-CA-35007, et al., Nov. 12, 2009 (Chairman Liebman and Member Schaumber)

(In the following cases, the Board denied the requests for review of the Decisions and Directions of Elections (D&DE) or the Decisions and Orders of the Regional Directors)

The Barber-Webb Co., Inc., Los Angeles, CA, 21-UC-430, Nov. 10, 2009 (Chairman Liebman and Member Schaumber)

Springfield Terrace LTD, Springfield, IL, 33-RC-5132, Nov. 13, 2009 (Chairman Liebman and Member Schaumber)

(Miscellaneous Board Decision and Order)

ORDER [affirming Regional Director's decision]

FOLA Coal Co., Bickmore, WV, 9-RC-18255, Nov. 12, 2009 (Chairman Liebman and Member Schaumber)
